

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01663-APM**

PROPERTY OF THE PEOPLE, INC. et al v. DEPARTMENT
OF JUSTICE
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 08/16/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

PROPERTY OF THE PEOPLE, INC.

represented by **Jeffrey Louis Light**
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ATTORNEY TO BE NOTICED

Plaintiff

RYAN NOAH SHAPIRO

represented by **Jeffrey Louis Light**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF JUSTICE

represented by **Joshua M. Kolsky**
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TERMINATED: 12/11/2018
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Defendant

**UNITED STATES POSTAL
SERVICE**

represented by **Joshua M. Kolsky**
(See above for address)
TERMINATED: 12/11/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Cirino

(See above for address)
LEAD ATTORNEY
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Date Filed	#	Docket Text
08/16/2017	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5077517) filed by PROPERTY OF THE PEOPLE, INC., RYAN NOAH SHAPIRO. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Light, Jeffrey) (Entered: 08/16/2017)
08/16/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PROPERTY OF THE PEOPLE, INC. (Light, Jeffrey) (Entered: 08/16/2017)
08/16/2017	<u>3</u>	NOTICE OF RELATED CASE by PROPERTY OF THE PEOPLE, INC., RYAN NOAH SHAPIRO. Case related to Case No. 17-cv-5814-ER (SDNY). (Light, Jeffrey) (Entered: 08/16/2017)
08/16/2017		Case Assigned to Judge Amit P. Mehta. (sth) (Entered: 08/17/2017)
08/17/2017	<u>4</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons)(sth) (Entered: 08/17/2017)
08/25/2017	<u>5</u>	AMENDED COMPLAINT against DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE filed by PROPERTY OF THE PEOPLE, INC., RYAN NOAH SHAPIRO. (Attachments: # <u>1</u> Summons)(Light, Jeffrey) (Entered: 08/25/2017)
08/28/2017	<u>6</u>	SUMMONS (1) Issued Electronically as to UNITED STATES POSTAL SERVICE. (znmw) (Entered: 08/28/2017)
09/28/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 09/06/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/6/2017. (Answer due for ALL FEDERAL DEFENDANTS by 10/6/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 9/6/2017; UNITED STATES POSTAL SERVICE served on 9/6/2017 (Light, Jeffrey) (Entered: 09/28/2017)
10/06/2017	<u>8</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE (Kolsky, Joshua) (Entered: 10/06/2017)
10/06/2017	<u>9</u>	ANSWER to <u>5</u> Amended Complaint by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. Related document: <u>5</u> Amended Complaint filed by PROPERTY OF THE PEOPLE, INC., RYAN NOAH SHAPIRO.(Kolsky, Joshua) (Entered: 10/06/2017)
10/10/2017		MINUTE ORDER: Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before October 24, 2017. The Joint Status Report shall include (1) the status of Plaintiffs' FOIA request; (2) the anticipated number of documents responsive to Plaintiffs' FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiffs; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 10/10/2017. (lcapm2) (Entered: 10/10/2017)
10/10/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/24/2017. (zcdw) (Entered: 10/11/2017)
10/24/2017	<u>10</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 10/24/2017)

10/25/2017		MINUTE ORDER. Upon consideration of the parties' <u>10</u> October 24, 2017, Joint Status Report, the parties are directed to file another Joint Status Report, on or before November 28, 2017, that updates the court on their progress. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 10/25/2017. (lcapm2) (Entered: 10/25/2017)
10/25/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 11/28/2017. (zcdw) (Entered: 10/25/2017)
11/28/2017	<u>11</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Kolsky, Joshua) (Entered: 11/28/2017)
11/30/2017	<u>12</u>	ORDER entering the briefing schedule proposed in the parties' <u>11</u> Joint Status Report and directing the parties to file an additional Joint Status Report. The schedule for further proceedings in this matter is as follows: (1) Defendant's Motion for Summary Judgment is due on or before March 15, 2018; (2) Plaintiff's Opposition to Defendant's Motion and Cross-Motion for Summary Judgment is due on or before April 16, 2018; (3) Defendant's Reply in Support of Defendant's Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment is due on or before May 16, 2018; and (4) Plaintiff's Reply in Support of Plaintiff's Cross-Motion for Summary Judgment is due on or before June 7, 2018. See the attached Order for additional details. In addition, the parties are directed to file another Joint Status Report, on or before January 15, 2018, that updates the court on their progress. Signed by Judge Amit P. Mehta on 11/30/2017. (lcapm2) (Entered: 11/30/2017)
01/05/2018	<u>13</u>	MOTION to Expedite , MOTION to Produce <i>non-exempt records</i> by PROPERTY OF THE PEOPLE, INC., RYAN NOAH SHAPIRO (Attachments: # <u>1</u> Exhibit 1 --- Letter in Gizmodo case (SDNY), # <u>2</u> Text of Proposed Order)(Light, Jeffrey) (Entered: 01/05/2018)
01/08/2018		MINUTE ORDER. Defendant shall respond to Plaintiff's <u>13</u> Motion to Expedite no later than 12:00 p.m. on January 9, 2018. Signed by Judge Amit P. Mehta on 1/8/2018. (lcapm2) (Entered: 01/08/2018)
01/08/2018		Set/Reset Deadlines/Hearings: Response to <u>13</u> due by 1/9/2018. (zcdw) (Entered: 01/08/2018)
01/09/2018	<u>14</u>	RESPONSE re <u>13</u> MOTION to Expedite MOTION to Produce <i>non-exempt records</i> filed by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Kolsky, Joshua) (Entered: 01/09/2018)
01/09/2018		MINUTE ORDER granting as unopposed Plaintiffs' <u>13</u> Expedited Motion for Production. Defendant FBI shall produce the non-exempt portions of the 176 pages of records it has collected by January 12, 2018, instead of the currently scheduled date of January 31, 2018. To the extent Plaintiffs' Motion seeks more records than the referenced 176 pages, that issue can be taken up on summary judgment. Signed by Judge Amit P. Mehta on 1/9/2018. (lcapm2) (Entered: 01/09/2018)
01/16/2018	<u>15</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Kolsky, Joshua) (Entered: 01/16/2018)
03/13/2018	<u>16</u>	Consent MOTION to Stay <i>Summary Judgment Briefing Schedule</i> by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 03/13/2018)
03/14/2018	<u>17</u>	ORDER granting Defendants' <u>16</u> Consent Motion to Stay Summary Briefing Schedule. The parties shall file a Joint Status Report on or before April 6, 2018. See the attached Order for details. Signed by Judge Amit P. Mehta on 3/14/2018. (lcapm2) (Entered: 03/14/2018)
03/18/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 4/6/2018. (zcdw) (Entered: 03/18/2018)

04/06/2018	<u>18</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Kolsky, Joshua) (Entered: 04/06/2018)
04/09/2018		MINUTE ORDER. In light of the parties' representations in their <u>18</u> Joint Status Report, the parties shall file another Joint Status Report on or before May 7, 2018, which updates the court on their search and production efforts, advises the court whether summary judgment briefing will be necessary and, if appropriate, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 4/9/2018. (lcapm2) (Entered: 04/09/2018)
04/09/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/7/2018. (zcdw) (Entered: 04/10/2018)
05/07/2018	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Kolsky, Joshua) (Entered: 05/07/2018)
05/09/2018		MINUTE ORDER. In light of the parties' <u>19</u> Joint Status Report, the parties shall file an additional Joint Status Report on or before June 6, 2018, that updates the court on Defendant's production efforts and, if needed, proposes a summary judgment briefing schedule. Signed by Judge Amit P. Mehta on 5/9/2018. (lcapm2) (Entered: 05/09/2018)
05/09/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 6/6/2018. (zcdw) (Entered: 05/11/2018)
06/07/2018	<u>20</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Kolsky, Joshua) (Entered: 06/07/2018)
06/11/2018		MINUTE ORDER. In light of the parties' <u>20</u> Joint Status Report, the parties shall file an additional Joint Status Report on or before June 21, 2018. Signed by Judge Amit P. Mehta on 6/11/2018. (lcapm2) (Entered: 06/11/2018)
06/11/2018		Set/Reset Deadlines: Joint Status Report due by 6/21/2018. (zjd) (Entered: 06/11/2018)
06/21/2018	<u>21</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Kolsky, Joshua) (Entered: 06/21/2018)
06/25/2018	<u>22</u>	NOTICE of Lodging of Ex Parte Declaration for In Camera Review by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE (Kolsky, Joshua) (Entered: 06/25/2018)
07/20/2018		MINUTE ORDER. The court has reviewed the In Camera, Ex Parte Declaration of David Hardy, filed on June 25, 2018. The review and production schedule in this matter shall be as follows: The FBI shall review no less than 500 pages per month of the "one large file of responsive documents remaining to be processed," which the agency believes is subject to Exemption 7(A). See Jt. Status Rpt., ECF No. <u>21</u> , at 2. The FBI shall release any non-exempt responsive material on a monthly basis. No later than December 18, 2018, the parties shall file an additional Joint Status Report that details the progress of the FBI's review, estimates whether the processing of records will be completed within the estimated time period, and identifies the number of disclosed records, if any. Signed by Judge Amit P. Mehta on 7/20/2018. (lcapm2) (Entered: 07/20/2018)
07/20/2018		Set/Reset Deadlines: Joint Status Report due by 12/18/2018.(zjd) (Entered: 07/23/2018)
09/18/2018	<u>23</u>	Consent MOTION to Amend/Correct <i>July 20, 2018 Minute Order</i> by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 09/18/2018)
09/20/2018	<u>24</u>	ORDER granting <u>23</u> Defendants' Consent Motion to Amend Court's July 20, 2018 Minute Order. The court's July 20, 2018 Minute Order is hereby amended as follows: The FBI shall review no less than 500 pages per month of potentially responsive records. The FBI shall release any non-exempt responsive material on a monthly basis beginning on October 31, 2018. No later than December 18, 2018, the parties shall file an additional Joint Status Report that details the progress of the FBI's review and estimates the completion date for the processing of records. Signed by Judge Amit P. Mehta on 09/20/2018. (lcapm2) (Entered: 09/20/2018)

09/20/2018		Set/Reset Deadlines: Joint Status Report due by 12/18/2018. (zjd) (Entered: 09/20/2018)
12/11/2018	<u>25</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of All Defendants Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/11/2018)
12/18/2018	<u>26</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Cirino, Paul) (Entered: 12/18/2018)
12/19/2018		MINUTE ORDER. The parties shall file a Joint Status Report on the 1st business day of the months of March, June, September, and December, until the FOIA production in this matter is complete. Within 30 days of completing production, the parties shall meet and confer and inform the court whether summary judgment briefing will be required in this matter. Signed by Judge Amit P. Mehta on 12/19/2018. (lcapm2) (Entered: 12/19/2018)
03/01/2019	<u>27</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Cirino, Paul) (Entered: 03/01/2019)
06/03/2019	<u>28</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Cirino, Paul) (Entered: 06/03/2019)
08/02/2019	<u>29</u>	Consent MOTION for Extension of Time to File <i>Joint Status Report</i> by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 08/02/2019)
08/05/2019		MINUTE ORDER granting Defendant's <u>29</u> Consent Motion for Extension of Time to File Joint Status Report. The parties shall file the next Joint Status Report on or before September 6, 2019. Signed by Judge Amit P. Mehta on 8/5/2019 (lcapm2) (Entered: 08/05/2019)
08/05/2019		Set/Reset Deadlines: Joint Status Report due by 9/6/2019. (zjd) (Entered: 08/06/2019)
09/06/2019	<u>30</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Cirino, Paul) (Entered: 09/06/2019)
10/30/2019	<u>31</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, UNITED STATES POSTAL SERVICE. (Cirino, Paul) (Entered: 10/30/2019)
10/30/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by December 6, 2019, which advises whether further proceedings will be necessary and, if so, proposes a briefing schedule. Signed by Judge Amit P. Mehta on 10/30/2019. (lcapm2) (Entered: 10/30/2019)